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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF (PSG)

**DECLARATION OF JOHN M. NEUKOM
IN SUPPORT OF CISCO SYSTEMS,
INC.'S OPPOSITION TO DEFENDANT
ARISTA NETWORKS, INC.'S MOTION
FOR PARTIAL SUMMARY JUDGMENT**

1 I, John M. Neukom, declare as follows:

2 1. I am a partner at the law firm Quinn Emanuel Urquhart & Sullivan, LLP (“Quinn
3 Emanuel”), counsel for Plaintiff Cisco Systems, Inc. (“Cisco”) in this action. I make this
4 declaration in support of Cisco’s Opposition to Arista Networks, Inc.’s (“Arista”) Motion for
5 Partial Summary Judgment. I make this declaration based on my own personal knowledge. If
6 called as a witness, I could and would testify competently to the matters set forth herein.

7 2. In the following paragraphs, I declare that I have attached “true and accurate”
8 copies of a number of documents, and portions of documents. While that is true to the best of my
9 knowledge, it is also the case that many of these documents as I am submitting them to the Court
10 have been modified insofar as I, and/or my colleagues, have added highlighting to those
11 documents. For example, for exhibits that I am attaching hereto that have proposed redactions for
12 purposes of sealing, I and my colleagues have added blue highlighting. Also, for various of the
13 exhibits attached here, I and my colleagues have added yellow highlighting for emphasis, so that
14 the Court may more easily direct its attention to the relevant portions of the documents.

15 3. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the March
16 17, 2016, deposition transcript of Anshul Sadana.

17 4. Attached hereto as Exhibit 2 is a true and correct copy of a June 20, 2012, email
18 from Lincoln Dale to Ariff Premji, Kenneth Duda, Anshul Sadana, and Nathan Kitchen with
19 thread bearing Bates numbers ARISTANDCA10113782 through ARISTANDCA10113783.

20 5. Attached hereto as Exhibit 3 is a true and correct copy of a January 21, 2014, email
21 with attachments from Donna Overstreet to Mark Foss bearing Bates numbers
22 ARISTANDCA12228912 through ARISTANDCA12228928.

23 6. Attached hereto as Exhibit 4 is a true and correct copy of a July 13, 2009, email
24 from Jayshree Ullal to Kenneth Duda, Andreas Bechtolsheim, and David Cheriton with thread
25 bearing Bates numbers ANI-ITC-944_945-3927203 through ANI-ITC-944_945-3927206.

1 7. Attached hereto as Exhibit 5 is a table prepared by counsel for Cisco, summarizing
2 evidence in this case to show the timing of Cisco's copyright registrations as compared to the
3 release dates for products associated with those registrations.

4 8. Attached hereto as Exhibit 6 is a true and correct copy of Amended Exhibit F to
5 Cisco's Eighth Supplemental Response to Interrogatory No. 16 and Response to Interrogatory No.
6 19, served on April 3, 2016.

7 9. Attached hereto as Exhibit 7 is a true and correct copy of a May 24, 2001, email
8 from Ramesh PVN bearing Bates numbers CSI-CLI-00608684 through CSI-CLI-00608687.

9 10. Attached hereto as Exhibit 8 is a true and correct copy of an April 7, 2004, email
10 from Adam Sweeney bearing Bates numbers CSI-CLI-00608716 through CSI-CLI-00608719.

11 11. Attached hereto as Exhibit 9 is a true and correct copy of a document entitled,
12 "Functional Specification Enable Secrets" by David Carrel bearing Bates numbers CSI-CLI-
13 00608741 through CSI-CLI-00608742.

14 12. Attached hereto as Exhibit 10 is a true and correct copy of a May 12, 2004, email
15 from Timothy Gleeson bearing Bates number CSI-CLI-00608720.

16 13. Attached hereto as Exhibit 11 is a true and correct copy of July 20, 1999, email
17 from Jim Duncan bearing Bates number CSI-CLI-00608661.

18 14. Attached hereto as Exhibit 12 is a true and correct copy of a June 25, 2002, email
19 from Illse Van Hoeck bearing Bates numbers CSI-CLI-00608702 through CSI-CLI-00608703.

20 15. Attached hereto as Exhibit 13 is a true and correct copy of an April 5, 1996,
21 document entitled, "Software Unit External Functional Specification" by Derek Yeung bearing
22 Bates numbers CSI-CLI-00608753 through CSI-CLI-00608756.

23 16. Attached hereto as Exhibit 14 is a true and correct copy of a February 12, 2007,
24 email from Satish Mynam bearing Bates number CSI-CLI-00608738.

25 17. Attached hereto as Exhibit 15 is a true and correct copy of an April 9, 1996, email
26 from Andy Heffernan bearing Bates numbers CSI-CLI-00608588 through CSI-CLI-00608590.

1 18. Attached hereto as Exhibit 16 is a true and correct copy of an April 10, 2002,
2 document entitled, "IOS Rapid STP (802.1w) and Multiple STP (802.1s) Functional spec" bearing
3 Bates numbers CSI-CLI-00609986 through CSI-CLI-00610015.

4 19. Attached hereto as Exhibit 17 is a true and correct copy of a document entitled,
5 "OSPF Protocol Graceful Shutdown Software Functional Specification" bearing Bates numbers
6 CSI-CLI-00610502 through CSI-CLI-00610508.

7 20. Attached hereto as Exhibit 18 is a true and correct copy of a document describing
8 suggested CLI changes to accommodate IPv6 bearing Bates numbers CSI-CLI-00609397 through
9 CSI-CLI-00609405.

10 21. Attached hereto as Exhibit 19 is a true and correct copy of an October 18, 2005,
11 email from Dan Hall bearing Bates number CSI-CLI-00608733.

12 22. Attached hereto as Exhibit 20 is a true and correct copy of a September 5, 2001,
13 email from Vithal Shirodkar bearing Bates number CSI-CLI-00608696.

14 23. Attached hereto as Exhibit 21 is a true and correct copy of a March 1999 document
15 entitled, "IOS CLI for BGP/MPLS VPN" bearing Bates numbers CSI-CLI-00609236 through
16 CSI-CLI-00609251.

17 24. Attached hereto as Exhibit 22 is a true and correct copy of a January 27, 1993,
18 document entitled, "ENG-3476 Software Unit External Functional Specification Feature" bearing
19 Bates number CSI-CLI-01329757 (as produced natively).

20 25. Attached hereto as Exhibit 23 is a true and correct copy of a July 23, 2004, email
21 from Daniel Hall bearing Bates number CSI-CLI-00608721.

22 26. Attached hereto as Exhibit 24 is a true and correct copy of a June 3, 1996,
23 document entitled, "Radius Protocol Support" bearing Bates numbers CSI-CLI-00608757 through
24 CSI-CLI-00608762.

25 27. Attached hereto as Exhibit 25 is a true and correct copy of a May 4, 1995,
26 document entitled, "Radius Protocol Support" bearing Bates numbers CSI-CLI-00608743 through
27 CSI-CLI-00608745.

1 28. Attached hereto as Exhibit 26 is a true and correct copy of a document entitled,
2 “Switchport Backup Interface Software Functional Specification” bearing Bates number CSI-CLI-
3 02025490 through CSI-CLI-02025498.

4 29. Attached hereto as Exhibit 27 is a true and correct copy of a February 27, 2003,
5 email from Nagarani Chandika bearing Bates numbers CSI-CLI-00608707 through CSI-CLI-
6 00608708.

7 30. Attached hereto as Exhibit 28 is a true and correct copy of a May 7, 2001,
8 document entitled, “IOS 802.3ad on Constellation Software Unit Functional Specification”
9 bearing Bates numbers CSI-CLI-00609553 through CSI-CLI-00609570.

10 31. Attached hereto as Exhibit 29 is a true and correct copy of a document entitled,
11 “GSR VPLS Phase 3 Software Functional Specification” bearing Bates numbers CSI-CLI-
12 01508948 through CSI-CLI-01508974.

13 32. Attached hereto as Exhibit 30 is a true and correct copy of a September 4, 1998,
14 email from Wilbur Su to parser-police@cisco.com, ricarlso@cisco.com, and wilber@cisco.com
15 bearing Bates numbers CSI-CLI-00753460 through CSI-CLI-00753474.

16 33. Attached hereto as Exhibit 31 is a true and correct copy of a document entitled,
17 “IOS/ENA Spanning Tree Core Software Unit Functional/Design Spec” bearing Bates numbers
18 CSI-CLI-02024349 through CSI-CLI-02024381.

19 34. Attached hereto as Exhibit 32 is a true and correct copy of a February 10, 1996,
20 email from Lol Grant to parser-police@cisco.com bearing Bates number CSI-CLI-00608587.

21 35. Attached hereto as Exhibit 33 is a true and correct copy of a November 15, 2001,
22 email from Weng Hong Chan and thread bearing Bates numbers CSI-CLI-00608699 through CSI-
23 CLI-00608700.

24 36. Attached hereto as Exhibit 34 is a true and correct copy of an August 31, 2004,
25 email from Luc Revardel bearing Bates numbers CSI-CLI-00608723 through CSI-CLI-00608724.

1 37. Attached hereto as Exhibit 35 is a true and correct copy of a February 18, 2005,
2 email from Francois Tallet and thread bearing Bates numbers CSI-CLI-00608730 through CSI-
3 CLI-00608732.

4 38. Attached hereto as Exhibit 36 is a true and correct copy of a June 7, 2012, Arista
5 document entitled "Arastra CLI AID149," bearing Bates numbers ANI-ITC-944_945-1365311
6 through ANI-ITC-944_945-1365316.

7 39. Attached hereto as Exhibit 37 is a true and correct copy of an April 18, 2011, email
8 from Adam Sweeney to Suneel Venati, Anshul Sadana, and others with thread bearing Bates
9 number ARISTANDCA10443784.

10 40. Attached hereto as Exhibit 38 is a true and correct copy of excerpts from the
11 November 20, 2015, deposition transcript of Kirk Lougheed.

12 41. Attached hereto as Exhibit 39 is a true and correct copy of excerpts from the April
13 4, 2016, deposition transcript of Kirk Lougheed.

14 42. Attached hereto as Exhibit 40 is a true and correct copy of excerpts from the
15 December 18, 2015, deposition transcript of Abhay Roy.

16 43. Attached hereto as Exhibit 41 is a true and correct copy of excerpts from the
17 February 21, 2016, deposition transcript of Devadas Patil.

18 44. Attached hereto as Exhibit 42 is a true and correct copy of excerpts from the March
19 23, 2016, deposition transcript of Greg Satz.

20 45. Attached hereto as Exhibit 43 is a true and correct copy of excerpts from the March
21 31, 2016, deposition transcript of Phillip Remaker.

22 46. Attached hereto as Exhibit 44 is a true and correct copy of Arista Networks, Inc.'s
23 Petition for *Inter Partes* Review of U.S. Patent No. 7,047,526 submitted on November 4, 2015.

24 47. Attached hereto as Exhibit 45 is a true and correct copy of Cisco Systems, Inc.'s
25 Patent Owner Preliminary Response submitted on February 18, 2016.

1 48. Attached hereto as Exhibit 46 is a true and correct copy of Plaintiff Cisco Systems,
2 Inc.'s Supplemental Objections and Responses to Defendant Arista Networks, Inc.'s Interrogatory
3 Nos. 2-10, served on May 27, 2016.

4 49. Attached hereto as Exhibit 47 is a true and correct copy of Exhibit B to
5 Interrogatory No. 2 of Plaintiff Cisco Systems, Inc.'s Second Supplemental Objections and
6 Responses to Defendant Arista Networks, Inc.'s Interrogatories, served on August 7, 2015.

7 50. Attached hereto as Exhibit 48 is a true and correct copy of Exhibit D to
8 Interrogatory No. 2 of Plaintiff Cisco Systems, Inc.'s Second Supplemental Objections and
9 Responses to Defendant Arista Networks, Inc.'s First Interrogatories, served on September 1,
10 2015.

11 51. Attached hereto as Exhibit 49 is a true and correct copy of Exhibits D1 through
12 D26 to Interrogatory No. 2 of Plaintiff Cisco Systems, Inc.'s Fourth Supplemental Objections and
13 Responses to Defendant Arista Networks, Inc.'s Interrogatories (2 and 5), served on October 14,
14 2015.

15 52. Exhibit 50 has been intentionally left blank.

16 53. Attached hereto as Exhibit 51 is a true and correct copy of excerpts from the
17 January 29, 2016, deposition transcript of Adam Sweeney.

18 54. Attached hereto as Exhibit 52 is a true and correct copy of excerpts from the
19 January 21, 2016, deposition transcript of Lincoln Dale.

20 55. Attached hereto as Exhibit 53 is a true and correct copy of excerpts from the June
21 21, 2016, deposition transcript of Kevin Jeffay.

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23 I declare under penalty of perjury that the foregoing is true and correct, and that this
24 declaration was executed in San Francisco, on July 14, 2016.

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/s/ John M. Neukom
John M. Neukom